

## **SECTION M**

### **EVALUATION FACTORS FOR AWARD**

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## **M-1 EVALUATION OF PROPOSALS**

- (a) This acquisition will be conducted using the policies and procedures in Federal Acquisition Regulation (FAR) Part 15 and Department of Energy Acquisition Regulation (DEAR) Part 915. The Government will evaluate proposals using the criteria in this Section M and the Source Selection Authority (SSA) will select an Offeror for contract award using the best value analysis described in this Section M.
- (b) The instructions set forth in Section L are designed to provide guidance to the Offeror concerning documentation that will be evaluated by the Government. The Offeror must furnish adequate and specific information in its response. A proposal will be eliminated from further consideration before the initial ratings if the proposal is so grossly and obviously deficient as to be unacceptable on its face. For example, a proposal will be deemed unacceptable if it does not represent a reasonable initial effort to address the essential requirements of the solicitation, or if it clearly demonstrates that the Offeror does not understand the requirements of the solicitation. An overall rating of unsatisfactory in one evaluation criterion may also result in elimination of the proposal from further consideration regardless of the rating of the other criteria. In the event a proposal is rejected, a notice will be sent to the Offeror stating the reason(s) the proposal will not be considered for further evaluation under this solicitation.
- (c) The Government intends to evaluate proposals and award a contract without discussions with Offerors, except clarifications as described in FAR 15.306(a). If the Government requires clarifications or revisions to an Organizational Conflict Of Interest Disclosure, including any mitigation plan, (paragraph (d) below) these will be considered to be clarifications rather than discussions in accordance with FAR 15.306(a). The Government reserves the right to conduct discussions if the Contracting Officer later determines discussions to be necessary. Any exceptions or deviations by the Offeror to the terms and conditions stated in this solicitation for inclusion in the resulting contract may make the offer unacceptable for award without discussions. If an Offeror proposes exceptions to the terms and conditions of the Contract, the Government may make an award without discussions to another Offeror that did not take exception to the terms and conditions of the Contract.
- (d) Prior to selection for award by the SSA, the Contracting Officer will make a finding whether any possible Organizational Conflict of Interest (OCI) exists with respect to the apparent successful Offeror or whether there is little or no likelihood that such conflict exists. In making this finding, the Contracting Officer will consider the Offeror's representation and disclosure statement required by the contract's Section K provision DEAR 952.209-8, *Organizational Conflicts Of Interest Disclosure-Advisory and Assistance Services* and the Government may also consider information from other sources. Subparagraph (c)(1) of DEAR 952.209-8, *Organizational Conflicts Of Interest Disclosure-Advisory And Assistance Services*, requires a statement, if applicable, from the Offeror of any past, present, or currently planned financial, contractual, organizational, or other interests relating to the statement of work. The Offeror should note that paragraph (c) (1) requires that the Offeror provide enough information in the

statement to allow a meaningful evaluation by the Government of the potential effect of the interest on the performance of the statement of work. For any actual or significant potential organizational conflict of interest, the Offeror shall also submit a plan of actions/activities to avoid, neutralize, or mitigate such conflict. An award will be made if there is no OCI or if any OCI can be appropriately avoided, neutralized, mitigated, or if a waiver request submitted pursuant to FAR 9.503 is approved.

- (e) Federal Law prohibits the award of a contract under a national security program to a company owned by an entity controlled by a foreign government unless the Secretary of Energy grants a waiver. In making this determination, the Government will consider the Offeror's certification required by the contract's Section K provision K-11, *Certificate Pertaining to Foreign Interests*.
- (f) A Performance Guarantee Agreement in accordance with the requirements of the Solicitation's Section L provision L-12, *Requirement for Guarantee of Performance*, will be a condition of the award of this Contract, if applicable.

## **M-2 BASIS FOR CONTRACT AWARD**

The Government intends to award one contract to the responsible Offeror whose proposal is responsive to the solicitation and is determined to be the best value to the Government. Selection of the best value to the Government will be achieved through a process of evaluating each Offeror's proposal against the evaluation criteria described below. The Technical and Management Criteria in M-3 will be adjectivally rated. The Cost Criterion in M-4 will not be rated, however these costs will be used in determining the "best-value" to the Government. In determining the best value to the Government, the Technical and Management Criteria, when combined, are significantly more important than the Cost Criterion. The Government is more concerned with obtaining a superior Technical and Management proposal than making an award at the lowest evaluated cost. However, the Government will not make an award at a price premium it considers disproportionate to the benefits associated with the evaluated superiority of one Technical and Management proposal over another. Thus, to the extent that Offerors' Technical and Management proposals are evaluated as close or similar in merit, the evaluated cost is more likely to be a determining factor.

## **M-3 TECHNICAL AND MANAGEMENT CRITERIA**

The following criteria are listed in descending order of importance. Criterion 1 is more important than Criteria 2 and 3 combined, and Criterion 2 is more important than Criterion 3. Individual items or evaluation considerations within a Technical and Management criterion (e.g., Criterion 2 includes items (1) and (2) which are not listed in order of importance and will not be individually weighted, but rather will be considered as a whole in developing an overall adjectival rating for that criterion). The individual items are not "sub-factors" as used in FAR 15.304.

**(a) Criterion 1: PAST PERFORMANCE**

The Government will evaluate the Offeror's relevant past performance during the last five-years as submitted by the Offeror through the completion and submission of Past Performance Information Forms, performance assessments, small business achievement, as well as relevant past performance information that the Government obtained from any other sources to determine the degree to which the relevant past performance demonstrates the Offeror's ability to successfully perform the Statement of Work (SOW).

Past performance that is determined to not be relevant will not be evaluated. Relevant past performance is past performance that is similar in size, scope and complexity to the requirements in the Statement of Work.

Where an Offeror has proposed a team member to perform or be responsible for only specific sections of the SOW, the relevance of that entity's past performance contracts will be determined based on consideration of the specific sections of the SOW the team member is proposed to perform or be responsible for, as opposed to the entire SOW.

The Government will not apportion past performance under a DOE, NNSA, or other contract differently among parent companies that have teamed for the purposes of said contract; all parent companies under a contract will be equally credited (positively and negatively) for past performance for that contract.

In the case of an Offeror without a record of relevant past performance or for whom information on relevant past performance is not available, the Offeror will be evaluated neither favorably nor unfavorably in this criterion, and will be assigned a neutral rating.

**(b) Criterion 2: LABORATORY ORGANIZATION AND QUALIFICATIONS OF KEY PERSONNEL**

The Government will evaluate the Offeror's Laboratory Organization to consider the extent to which the Offeror demonstrates:

- (1) An effective, coherent organizational structure to manage and govern the Sandia National Laboratories, particularly with respect to performance of the Statement of Work, Chapter II. Offerors that propose a simple organizational structure with less complex relationships, may be evaluated more favorably.
- (2) Each Key Person's expertise, experience, and leadership and/or managing ability in work of similar size, scope, and complexity to the SOW for the position proposed.

In addition to the references provided in the Key Personnel resumes (see Section L, L-15(b), Criterion 2, paragraph (2)), the Government may use any information received from other sources, references or third parties as part of its evaluation of Key Personnel. Failure to submit the required letters of commitment may result in the Key Person not being evaluated, negatively affecting the evaluation results for this criterion.

**(c) Criterion 3: SMALL BUSINESS PARTICIPATION**

The Government will evaluate the effectiveness of the Offeror's approach in using small businesses and the extent of participation of small business concerns, including veteran-owned small business concerns, service-disabled veteran-owned small business concerns, HUB Zone small business concerns, small disadvantaged business concerns, and women-owned small business concerns in performance of the contract. This information shall not contradict the information provided in the offeror's subcontracting plan found in Section L – Attachment C.

**M-4 COST CRITERION**

The Management Team costs (Section L, L-16) will be evaluated for cost reasonableness and realism but will not be adjectively rated. The Government may use any of the analysis techniques specified in FAR 15.404-1 to determine reasonableness and realism. The Government will consider information submitted in response to Section, L-15, Criterion 2, *Laboratory Organization and Qualifications of Key Personnel*, in its evaluation of Management Team costs, and may consider other information obtained from other sources.

For the best value determination as described in M-2 above, the total evaluated price will include the reimbursable Management Team costs for FY 2017 (5 months) and FY 2018 (12 months) and part of FY2019 (7 months), and the total proposed maximum fixed fee and award fee for (CLIN 0001) and the fixed fee for CLIN 0002) for FY 2017 through FY 2027. The Government will not award a contract to an Offeror whose Management Team costs are determined to be unreasonable.